

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 14-1738 FMO (ASx)	Date	July 21, 2014
Title	United States of America, for the use of Delta Scientific Corp. v. Neu Security Services, LLC <u>et al.</u>		

Present: The Honorable			Fernando M. Olguin, United States District Judge		
Vanessa Figueroa		None		None	
Deputy Clerk		Court Reporter / Recorder		Tape No.	
Attorney Present for Plaintiff(s):			Attorney Present for Defendant(s):		
None Present			None Present		

Proceedings: (In Chambers) Order to Show Cause Re: Dismissal

On July 7, 2014, Delta Scientific Corporation ("plaintiff") filed its First Amended Complaint ("FAC") in this court. Jurisdiction is asserted on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. However, the jurisdictional allegations appear to be defective. A partnership, limited liability company, or other unincorporated association is joined as a party. The court must consider the citizenship of each of the partners, including limited partners, or members. The citizenship of each of the entity's partners or members must therefore be alleged. See Grupo Dataflux v. Atlas Global Grp., L.P., 541 U.S. 567, 569, 124 S.Ct. 1920, 1923 (2004) ("[A] partnership . . . is a citizen of each State or foreign country of which any of its partners is a citizen."); Carden v. Arkoma Assocs., 494 U.S. 185, 195, 110 S.Ct. 1015, 1021 (1990) (diversity jurisdiction depends on the citizenship of all members of an artificial entity); Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) ("[A]n unincorporated association such as a partnership has the citizenships of all of its members."). Accordingly, IT IS ORDERED that:

1. No later than **July 29, 2014**, plaintiff shall show cause in writing why this action should not be dismissed for the reasons noted above. Failure to submit a response by the deadline set forth above may be deemed as consent to the dismissal of the action without prejudice. Defendants may submit a response in the same time period.

2. A copy of all papers filed with the court shall be delivered to the drop box outside chambers at Suite 520, Spring Street Courthouse, 312 North Spring Street, **no later than 12:00 noon the following business day**. All chambers copies shall comply fully with the document formatting requirements of Local Rule 11-3, including the "backing" requirements of Local Rule 11-3.5. Counsel may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rule 11-3.

Initials of Preparer vdr